

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHAEL BUSH,

Plaintiff,

v.

THE WANG CENTER FOR THE
PERFORMING ARTS, INC.

d/b/a Boch Center,

Defendant.

Case No.: 1:22-cv-10473-NMG

DEFENDANT’S OPPOSITION TO PLAINTIFF’S REQUEST FOR RULINGS

The Plaintiff’s Request for Rulings – which is, in fact, a motion that should have gone through the Local R. Civ. P. 7.1(a)(2) – should be denied because The Wang Center for The Performing Arts, Inc. d/b/a Boch Center’s (“The Wang Center’s”) opposition to the Plaintiff’s Motion to Compel Initial Disclosures, Rule 26(f) Conference, Discovery, and Compliance with Local R. Civ. P. 7.1(a)(2) (“Motion to Compel”) was not late.

Local R. Civ. P. 7.1(b)(2) states that “[a] party opposing a motion shall file an opposition within 14 days after the motion is served ...” Plaintiff’s Motion to Compel was served on June 6, 2022 via ECF which made the deadline to file an opposition Monday June 20, 2022. June 20, 2022 was Juneteenth, a recognized federal holiday. Fed. R. Civ. P. 6(a)(1)(C) states that in calculating deadlines, parties should “include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.” This makes the due date for The Wang Center’s opposition to Plaintiff’s Motion to Compel June 21, 2022, the next day that was not a legal holiday. The Wang Center’s opposition to Plaintiff’s Motion to Compel was filed on June 21, 2022 and is therefore timely.

To the extent that Plaintiff argues based on Local Rule Civ. P. 7.1(b)(2) (which states “[t]he 14-day period is intended to include the period specified by the civil rules for mailing time ...”) that the date for purposes of calculation should in fact be the date that is listed on the bottom of Plaintiff’s Motion to Compel (June 4, 2022), that is similarly unavailing. Fourteen days from June 4, 2022 is Saturday June 18, 2022. The next non-weekend and non-holiday day would still be June 21, 2022 making The Wang Center’s opposition due on June 21, 2022. Had Plaintiff conferred with The Wang Center prior to filing his Request for Rulings, in accordance with Local R. Civ. P. 7.1(a)(2), The Wang Center would have explained the appropriate date calculation under the Local and Civil Rule of Procedure, which would have obviated the need for these filings.

For these reasons, Plaintiff’s Request for Rulings should be denied.

Dated: June 27, 2022

Respectfully submitted,

The Wang Center for the Performing Arts, Inc.
d/b/a Boch Center

By its attorneys,

/s/ Kelsey Tavares

Kelsey Tavares (BBO No. 705934)
Bruce E. Falby (BBO No. 544143)
DLA PIPER LLP (US)
33 Arch Street, 26th Floor
Boston, MA 02110-1447
(617) 406-6000 (telephone)
(617) 406-6100 (facsimile)
bruce.falby@us.dlapiper.com
kelsey.tavares@us.dlapiper.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished this 27th day of June, 2022 via email and first class mail to:

Michael Bush
280 Lowell Street
Carlisle, MA 01741
frymesomebacon@protonmail.com

Plaintiff

/s/ Kelsey Tavares

Kelsey Tavares